REMARKS

Present Status of the Application

The Office Action rejected claims 1-9 under 35 U.S.C. 102(e) as being anticipated by Futamase et al (USPGP- 2004/0007120, "Futamase" hereinafter). Applicants have amended claims 1 and 8 and respectfully traverse the rejections addressed to claims 1 and 9 for at least the reasons set forth below.

Discussion of the claim rejections under 35 USC 102(e)

The Office Action rejected claims 1-9 under 35 U.S.C. 102(e) as being anticipated by Futamase (USPGP- 2004/0007120).

Applicants are to traverse the rejection for claim 1 based on the following: As described in paragraph [0032], lines 4-8 of Futamase: "the potable terminal apparatus comprising a format converting means for converting music information of a format into music information of a first format different from that before conversion....," the format converting means in Fatumase is for the "format conversion" of music information from one format to another, for example, the conversion from MIDI to RTTTL. On the other hand, the Applicants decode digital music in claim 1 instead of format conversions of music data so any format digital music is decoded via a corresponding firmware directly without any format converting. Decoding is a procedure in which music stored in a format such as MIDI is transformed into a set of machine understandable instructions such as machine codes via a firmware (for instance) to allow a device to actually playback the music. Decoded data is fully machine-understandable while converted data is not. As

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a result, the "decoding" in claim 1 of the present invention patentably distinguish over the "format converting" of Futamase. Applicants have amended claim 1 to include the following claim limitation: "via a firmware" to further strengthen the aforementioned traversing argument.

In addition, Futamase does not disclose, suggest, or teach a firmware for detecting digital m usic f ile f ormat". T he a bove f eature i s f ully s upported i n t he d escription in paragraph [0020] in the present invention:

In a p referred e mbodiment o f the p resent i nvention, t he c entral p rocessing u nit 122 only deals with the baseband signals. **The music IC 124 takes care of detecting and decoding operation via a firmware.** In another preferred embodiment of the present invention, the central processing unit 122 also can detect the format of the received digital music file; the music IC 124 decodes the digital music file according to a decoding procedure corresponding to detected format of the received digital music file detected by the central processing unit 122.

Based on the aforementioned traversing, claim1 should be allowed. Dependent claims 2 – 7 should also be allowed if the independent claim 1 is allowed.

By having new dependent claim 1 0 to include t he f eature: "supporting f ormats including SP-MIDI, MFi, RTTTL, and I -Melody", c laim 1 0 s hould b e p atentable o ver Futamase. Futamase disclosed the following music formats: SMF (Standard MIDI File) (found in Futamase in paragraph [0126] and FIG. 7), SMF format C (found in Futamase in paragraph [0126]), conventional-model format B [0124] (found in Futamase in paragraph [0124]), own model format A (found in Futamase in paragraph [0116]), and

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conventional SMF format (found in Futamase in FIG. 10 and paragraph [0151]). As a result, the above feature of "supporting formats including SP-MIDI, MFi, RTTL, and I-Melody" in claim 10 is not anticipated by Futamase.

The following claim limitation in claim 8: "**wherein said mobile phone detects a format of said digital music file and decodes said digital music file via a firmware corresponding to the detected format of said digital music file**" is not anticipated by Futamase. The "detects a format" and "decode said digital music file" are all already discussed in the traversing in claim 1 above. As a result, claim 8 should be allowed.

The original independent claim 9 is found to include the following features which are not anticipated by Futamase: "...obtaining a header of said digital music file.." and "...said header having an ID...". The above features are fully supported in paragraph [0012] in the present invention. Futamase does not disclose, suggest, or teach the above features. As a result, claim 9 should be allowed.

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Customer No.: 31561
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Application No.: 10/604,820

CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-10 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted

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